IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.O.C.P. No.242 of 2006
Date of Decision:- 06.11.2006

Bahadar Singh ....Petitioner

through
Mr.Harnek Singh, Advocate

vs.

Jagdish Singh & ors. ....Respondents

through
Mr.G.S.Cheema, Sr.DAG, Punjab

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The petitioner retired from service on attaining the age of superannuation on 30.11.2004. His retiral benefits were withheld. He filed C.W.P.No.18516 of 2005 which was disposed of by this Court on 29.11.2005 with a direction to the respondents that "the necessary disbursal, be made, as per rules within two months from the date that a certified copy of the order is supplied to the respondents."

The above-stated directions were, however, not complied with. The petitioner then served the respondent with legal notice on 1.2.2006, whereafter he has filed this contempt petition.

Upon issuance of the show cause notice, it is not disputed by learned counsel for the petitioner also that all the retiral dues have been cleared and paid to him on 31.5.2006.

In response to the show cause notice, an affidavit has been filed by Mr.H.S.Virdi, Executive Engineer, Workshop Division, Ranjit Sagar Dam, Shahpurkandi Township, Tehsil Pathankot, District Gurdaspur (Punjab) on behalf of respondent No.2. In the said affidavit, it is claimed that on 23.12.2005 i.e. after more than one year of his retirement, the petitioner was asked "to give his willingness for re-fixation of the pay on withdrawal of the special increments granted to the petitioner." The

petitioner obviously did not give the consent. Thereafter, he was again asked to give the consent on 13.1.2006 and since he did not bother to file the reply the retiral benefits have been released to him after refixation of his pay.

Even if the defence plea taken by the respondents in the above-stated affidavit is taken on its face value, it is apparent that the respondents have come out of their slumber only after the petitioner's retirement and wanted to cover up the delay on the pretext of re-fixation of his pay. The facts, as noticed above, do not reflect encouraging state of affairs prevailing in the office of the respondents. They should not have subjected the petitioner to such kind of harsh and unkind treatment and that too after his retirement.

Be that as it may, having regard to the fact that the petitioner has finally got his retiral benefits after two rounds of litigation, it appears that instead of continuing with these proceedings the ends of justice would be properly met if the respondents are directed to grant interest at the rate of 9% to the petitioner with effect from 1.1.2005 till 31.5.2006 on the arrears of payment of his all retiral benefits. The interest amount shall be paid to him within a period of two months from today.

It shall be open to the Principal Secretary to Government of Punjab, Irrigation Department to fix the responsibility of those who have caused an inordinate delay in the release of retiral benefits to the petitioner and thereafter to recover the arrears of interest to be paid to the petitioner from such officers/officials in accordance with law.

Disposed of.

Rule discharged.

November 06, 2006 **(SURYA KANT)**
poonam **JUDGE**